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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/772,137 | 01/29/2001 | Sokichi Nosaka | | 9546 |

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EXAMINER

CHARLES, MARCUS

ART UNIT PAPER NUMBER

3682

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,137

Applicant(s)

NOSAKA ET AL.

Examiner

Marcus Charles

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,9-35 and 38-41 is/are pending in the application.
- 4a) Of the above claim(s) 21-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,9-20 and 38-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

This action is responsive to the Amendment/RCE filed 10-27-2004, which has been entered. Claims 1, 4-7, 9-35 and 38-41 are currently pending.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 39 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In lines 3-4, "the depression" lacks antecedent basis.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 9 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto in view of Andrews et al. Matsumoto discloses a power transmission belt having a body (1), a length and exposed lateral side surfaces, the lateral surface of the belt is altered by a backing layer (4) attached thereto, and a marking (3) inscribed directly on the backing layer. Matsumoto also discloses that the marking (3) can be directly provided on the lateral side surface of the belt (col. 4, lines 6-16). The lateral side of the belt includes a

portion of the lateral spaced side surface of the belt. Note Matsumoto also discloses that the hiding layer maybe provided over the entire belt side surface, indicating that the making may be provided unto the belt-engaging portion (col. 4, lines 5-6). Matsumoto do not disclose the dept at which the marking is inscribed on the belt surface. Andrews et al. disclose an inscribed mark having a depth of 0.003 to 0.006 inches (which is within the range of 0.1mm-1mm) in order to prevent the marking from wearing out easily. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the depth of the inscribed mark of JP('833) to be within the specified range disclosed by Andrews et al. in order to prevent the marking from wearing out easily over a period of time. Furthermore, Andrews et al. clearly discloses that is known to insert contrasting colored material in the depression of laser inscribed marking in order to easily identify the marking. Therefore, would have been obvious to one of ordinary skill in the art at the time of the invention to insert contrasting colored material in the markings of Matsumoto in view of Andrews et al. in order to easily identify the marking.

Regarding claim 41, applicant has not disclosed that having the markings on the load carrying member solves any stated problems or is for any particular purpose and it appears that the belt would perform equally well with the markings not inscribed on the belt load-carrying member.

5. Claims 4-7, and 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto ('349, applicant's prior art) in view of Andrews et al. as applied to claim 1 and further in view of JP('833, applicant's prior art).

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Matsumoto does not disclose that the marking is formed by inscribing with a laser beam. JP('833 discloses a method of produce a marking on the surface of a belt by scribing the surface with a laser beam with an angle of deflection and a scanning mirror (24) in order to prevent inadvertent displacement, removal or wearing of the marking during operation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the lateral surface of the belt of Matsumoto so the side surface altered by providing a making with a laser beam with an angle of deflection and a scanning mirror in view of JP('833) in order to prevent inadvertent displacement, removal or wearing of the marking during operation and to increase the accuracy of the marking.

In claim 6, note the belt of Matsumoto is a double V-ribbed belt (fig. 3).


Claims 7-20, the method steps are inherently included in Matsumoto in view of JP('833) device.

Regarding claims 16-17, Andrews et al. clearly discloses that it is known to insert contrasting colored material in the depression of laser inscribed marking in order to easily identify the marking. Therefore, would have been obvious to one of ordinary skill in the art at the time of the invention to insert contrasting colored material in the markings of Matsumoto in view of Andrews et al. in order to easily identify the marking.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Marcus Charles
Primary Examiner
Art Unit 3682
January 06, 2005